

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

REGINALD DESMOND WALLACE

PETITIONER

v.

CIVIL ACTION NO. 3:19-CV-465-TSL-BWR

STATE OF MISSISSIPPI, ET AL.¹

RESPONDENTS

UNOPPOSED MOTION FOR EXTENSION OF TIME

Respondents move this Court for an extension of time to respond to Petitioner Reginald Desmond Wallace's Objections (Doc. 34) to the Report and Recommendation (Doc. 33). In support, Respondents submit the following:

I.

On July 14, 2024, the Magistrate Judge entered his Report and Recommendation to deny Wallace's federal habeas petition with prejudice. Doc. 33. The Magistrate Judge explained that any party who wished to object to the Report and Recommendation must do so within 14 days. Doc. 33 at 30–31 (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); L. U. Civ. R. 72(a)(3)). Wallace timely objected to the Report and Recommendation on July 28, 2025. Doc. 34.

II.

The Report and Recommendation cites both Local Uniform Civil Rule 72(a)(3) and Federal Rule of Civil Procedure 72(b) in addressing the deadline to file objections.

¹ Pelicia Hall, the prior Commissioner of the Mississippi Department of Corrections (MDOC), is still reflected on the docket as a Respondent in this case. Burl Cain is the current MDOC Commissioner. *See* Fed. R. Civ. P. 25(d) (providing for automatic substitution of a public officer's successor).

Doc. 33 at 30–31. The Report and Recommendation does not provide for a deadline to respond to objections. Doc. 33 at 30–31. Local Uniform Civil Rule 72(a)(3) provides 7 days to respond to objections while Federal Rule of Civil Procedure 72(b) provides 14 days to respond to objections. Local Uniform Civil Rule 81(a) also provides that the “Local Rules do not apply to petitions or actions brought by a person who seeks a writ of habeas corpus or otherwise challenges a criminal conviction or sentence.”

Thus, out of an abundance of caution and to seek clarity on the applicability of the appropriate rules, Respondents request **until August 11, 2025**, to respond to Wallace’s objections to the Report and Recommendation.

III.

Wallace’s counsel, Robert B. McDuff, confirmed that he does not oppose the requested extension of time.

IV.

This motion is not filed for the purpose of delay, but that justice may be done.

THIS, the 29th day of July, 2025.

LYNN FITCH
Attorney General of Mississippi

BY: /s/ Erin E. Rutherford
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CERTIFICATE OF SERVICE

I, Erin E. Rutherford, certify that I have electronically filed this document with the Clerk of the Court using the ECF system, which sent notification to United States District Judge Tom S. Lee; United States Magistrate Judge Bradley W. Rath; and counsel of record for petitioner.

THIS, the 29th day of July, 2025.

/s/ Erin E. Rutherford
ERIN E. RUTHERFORD

Counsel for Respondents